

December 14, 2009  
Commissioners Meeting  
Minutes

A meeting of the Board of Commissioners of Colfax County, Nebraska was held in the Commissioners Room of the County Courthouse, Schuyler, Nebraska on the 14th day of December, 2009. The County Board of Commissioners met at 8:30 a.m. Present were: Jerry L. Heard, Jerold Kracl and Skip Oehlich, County Commissioners, Rita M. Mundil, County Clerk, Bo Botelho, County Attorney. Notice of this meeting was given in advance thereof by posting written notice in at least three different public places as shown by the Certificate of Posting Notice. Availability of the proposed agenda was communicated in the advance notice and in the notice to the board. Copies of the Open Meetings Act were posted and available to the public. All proceedings shown were taken while the meeting was officially convened and open to the public.

The chairman stated a copy of the Open Meeting Act statute is posted and available to the public.

Motion Kracl; second Oehlich to approve the agenda. Voting YES: Heard, Kracl and Oehlich. Voting NO: None. Motion carried.

Motion Kracl, second Oehlich to approve the minutes of 11/24/09. Voting YES: Kracl, Oehlich and Heard. Voting NO: None. Motion carried.

The general assistance clerk gave a report of the activities of her department, no need to enter into executive session.

The county attorney reviewed correspondence from The Bureau of Justice Assistance (BJA) informing the board that our jurisdiction is eligible for federal funding under the FY 2009 Recovery Act Edward Byrne Memorial Justice Assistance Grant (JAG) Program. This grant is to provide funding to prevent and control crime and improve the criminal justice system. Northeast Nebraska Economic Development District will help the county write the grant.

The weed superintendent gave a report of the activities of his department; he attended the NACO convention in Lincoln.

The clerk provided the board with her monthly fees, September Lodging Tax revenue and the 2009 Annual Report for Nebraska Community Foundation. Correspondence from University of Nebraska Lincoln announced that the NACO institute of Excellence is now open to all elected and appointed county officials. The board reviewed January 2010 items – (meeting dates in conflict, wages, and board chairman).

The board received a copy of the monthly fee report of the District Court Clerk.

The county treasurer presented a change in safekeeping receipt from Pinnacle Bank.

The October inmate log from Platte County was provided to the board and placed on file.

The sheriff's October monthly fee report was provided to the board and placed on file.

The FY09-10 budget allows for a transfer of up to \$500,000.00 from the Inheritance Tax Fund to the General Fund. Motion Kracl; second Heard to approve Resolution 12-14-09(1) which provides the treasurer to transfer \$500,000.00 from the Inheritance Tax Fund to the General Fund. Voting YES: Kracl, Oehlich and Heard. Voting NO: None. Motion carried.

Motion Oehlich; second Kracl to approve the appointments of Chuck Pekny and Lynette Schneekloth to each serve a 3 year term on the extension board. Voting YES: Oehlich, Heard and Kracl. Voting NO: None. Motion carried.

Motion Oehlich; second Heard to approve the revision of the Inclement Weather Policy as:

### **Inclement Weather Policy**

#### **Courthouse Open**

If the courthouse is open, all employees are expected to work. Any employee who wishes to leave early, come in late, or not report due to weather conditions must use vacation or compensatory time. This shall be left to the discretion of the county official/department head.

#### **Courthouse Closed**

If it is determined that the Courthouse will close due to adverse weather conditions, this decision will be made by the County Sheriff and Emergency Manager with the approval of one County Commissioner. Notice will be given to KZ100 radio and KJSK- Mary Ann Kroeger. Employees will be excused from working and receive their normal pay.

## **Courthouse to Close Early**

If it is determined that the Courthouse will close EARLY due to a change in weather conditions, this decision will be made by the County Sheriff and Emergency Manager with the approval of one County Commissioner. Notice will be given to KZ100 radio. Employees will be excused from working and receive their normal pay.

**\*\*Separate policies apply to Highway, Maintenance, and Sheriff's Department.**

Voting YES: Heard, Kracl and Oehlich. Voting NO: None. Motion carried.

Commissioner Oehlich left the meeting at 9:45 a.m.

The E911 Coordination gave a brief report of her office activities.

The zoning administrator gave a report of the activities of his office; the property owner receiving the zoning complaint of too many residences on his property has hired a lawyer to explore his options.

The board provided an opportunity for county employee's to attend an "Agenda-less meeting".

The board of commissioners recessed at 10:30 a.m. and reconvened at 10:45 a.m.

The emergency manager gave a report of the activities of his department; a siren test at Richland was completed; he reviewed correspondence from State of Nebraska Emergency Management Agency informing Colfax County that all projects are completed and the Federal shares have been paid; and a copy of the closeout letter for Disaster: 1770-DR-NE was provided.

Joan Mejschik gave a brief presentation on Illegal Dumpsite Cleanup Program currently being used by the road department; she will also order bilingual signs to post with the current signs on illegal dumping.

The board discussed the county's responsibility of the cleanout of the Travelute Ditch; they instructed the road department to survey the elevations of the ditch and report back to the board when the survey is complete.

The board instructed the Road Manager to compose a letter to the Union Pacific Railroad stating the need to repair the bridges on county roads 14 and 15 to required state standards.

The board instructed the Flood Plain Manager to compose a letter to the Union Pacific Railroad requesting the documentation of the Flood Plain Permits on the elevation of the tracks.

The highway department gave a report of the activities of their department; bid specs for motor graders were reviewed; the sealed bids for motor graders will be opened at 11:00 a.m. on January 26, 2010; discuss, consider or take action will be at February 8, 2010 meeting.

The clerk summarized the day's agenda and action taken.

Motion Heard; second Kracl to adjourn BOC at 11:50 a.m. and to meet again December 29, 2009. Voting YES: Kracl and Heard. Absent: Oehlich. Voting NO: None. Motion carried.

A meeting of the Board of Equalization of Colfax County, Nebraska was held in the Commissioners Room of the County Courthouse, Schuyler, Nebraska on the 14th day of December, 2009. The County Board of Equalization met at 1:15 p.m. Present were: Jerold Kracl, Jerry Heard and Skip Oehlich, County Commissioners, Rita M. Mundil, County Clerk, Viola Bender, County Assessor, Bo Botelho, County Attorney and Bill Kaiser, Kaiser Appraisal. Notice of this meeting was given in advance by posting written notice in at least three different public places as shown by the Certificate of Posting Notice. Availability of the proposed agenda was communicated in the advance notice and in the notice to the board. A copy of the Open Meetings Act was posted and available to the public. All proceedings shown were taken while the meeting was officially convened and open to the public.

Motion Kracl; second Heard to approve Form 457 request for motor vehicle tax exemption status as presented by the county treasurer. Voting YES: Oehlich, Heard and Kracl. Voting NO: None. Motion carried.

Discuss, consider or take action on the annual contract for appraisal services provided by Bill Kaiser was tabled and will be discussed further at the next meeting.

The board acknowledged the Decision and Order Reversing the Decision of the Colfax County Board of Equalization Case No. 08C 050 and the Decision and Order Affirming the Decision of the Colfax County Board of Equalization Case No. 08C 051.

Representatives from Cargill were available for questions and comments.

Motion Heard; second Kracl to enter executive session at 1:25 p.m. for a phone conference on the Litigation with Cargill TERC hearing decision. Voting YES: Kracl, Oehlich and Heard. Voting NO: None. Motion carried.

Motion Heard; second Oehlich to exit executive session and resume regular session at 1:52 p.m. Voting YES: Oehlich, Heard and Kracl. Voting NO: None. Motion carried.

The chairman stated no action was taken while in executive session.

The board has 30 days from the date the TERC order was entered; an appeal would need to be filed prior to December 19, 2009. Motion Kracl; second Heard to instruct Mr. Talbot to proceed with the appeal process. Voting YES: Kracl, Oehrich and Heard. Voting NO: None. Motion carried.

Motion Heard; second Oehrich to adjourn BOE at 1:55 p.m. Voting YES: Heard, Kracl and Oehrich. Voting NO: None. Motion carried.

I, Rita M. Mundil, duly appointed and qualified County Clerk of said county, do hereby state that the above minutes were recorded by me, are true and correct to my knowledge, are recorded in the Commissioners Records and were completed for public inspection and publication on the 15th day of December, 2009.

---

Rita M. Mundil, County Clerk